

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE  
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. _____
	)	
ATKINS AND COMPANY,	)	
a Tennessee Partnership,	)	
	)	
Respondent.	)	

PETITION

Paul G. Summers, Attorney General and Reporter for the State of Tennessee, (hereinafter “Attorney General”), files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter “the Act”), and would respectfully show the Court as follows:

1. The Attorney General, acting pursuant to the Act, has investigated certain acts and practices of Atkins and Company (hereinafter “Respondent”). Upon completion of such investigation, the Attorney General has determined that certain of Respondent’s acts and practices, more specifically described in Paragraph 2 of this Petition, constitute unfair and deceptive acts or practices affecting the conduct of trade or commerce in the State of Tennessee in violation of the Tennessee Consumer Protection Act of 1977, codified at Tenn. Code Ann. § 47-18-101, *et seq.* More specifically, Respondent’s conduct is violative of Tenn. Code Ann. §§ 47-18-104(a), (b)(2), (b)(3) (b)(5), (b)(12) and (b)(27). The Attorney General has also determined that certain of Respondent’s acts and practices, more specifically described in Paragraph 2 of this Petition, were in violation of the Tennessee Unauthorized Practice and Improper Conduct Statute, codified at Tenn. Code Ann. § 23-3-101, *et seq.*
2. Based upon the investigation of Respondent, the Attorney General alleges the following:

(A) Respondent Atkins and Company is a Tennessee partnership, located in Luttrell, Tennessee. The partners are Judy A. Tolliver and Tracy L. Atkins. Respondent offered for sale to Tennessee consumers certain services to produce legal documents without an attorney preparing or reviewing the documents.

- (B) The Respondent offered to prepare legal documents, such as wills, for Tennessee consumers for a fee. The Respondent does not employ a licensed attorney for the regular conduct of their business. The Respondent received monetary payment from no less than sixty Tennessee consumers for the preparation of legal documents.
- (C) Respondent advertised that it could provide legal assistance in the form of wills, corporate charters and by-laws, even though such services require the legal expertise of an attorney and neither partner was an attorney. The advertisements were placed in newspapers in Tennessee.
- (D) Respondent's conduct constitutes unfair and deceptive acts or practices and constitutes practicing law without a license.

3. Respondents neither admit nor deny the allegations of Paragraph 2 (A)-(D).

4. The Attorney General entered into negotiations with Respondent and the parties have agreed to, and the Division of Consumer Affairs (hereinafter "Division") has approved, the attached Assurance of Voluntary Compliance.

5. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

6. The Division, the Attorney General, and the Respondents, the parties who are primarily interested in the matters set forth in Paragraph 2 hereof, have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays:

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.

Respectfully submitted,

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PAUL G. SUMMERS  
Attorney General and Reporter  
B.P.R. No. 6285

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CYNTHIA E. KINSER  
Deputy Attorney General  
B.P.R. No. 13533

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DANA M. AUSBROOKS  
Assistant Attorney General  
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CERTIFICATE OF SERVICE

I, do hereby certify that on \_\_\_\_\_, 2001, a true and exact copy of the foregoing was mailed, postage prepaid, via U.S. Mail to Mr. Bill Petty, Attorney for Respondent, O'Connor, Petty, Child and Boswell, P.O. Box 219, Knoxville, Tennessee 37901-0219.

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DANA M. AUSBROOKS  
Assistant Attorney General